

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 GERARDO L. PEREZ,

4 Plaintiff

Case No. 2:19-cv-01181-GMN-BNW

ORDER

5 v.

6 JENNIFER NASH et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is in the custody of the Nevada Department of Corrections (“NDOC”) but serving his sentence at Saguaro Correctional Center in Eloy, Arizona, has submitted
11 a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to
12 proceed *in forma pauperis*. (ECF Nos. 1, 1-1).
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14 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28
15 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
16 proceed *in forma pauperis* on this Court’s approved form and attach both an inmate
17 account statement for the past six months and a properly executed financial certificate.
18 Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court’s
19 approved form or an inmate account statement. (See ECF No. 1). As such, the *in forma*
20 *pauperis* application is denied without prejudice. The Court will retain Plaintiff’s civil rights
21 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee
22 is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his
23 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
24 action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must
25 file a fully complete application to proceed *in forma pauperis*.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed
28 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

1 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
2 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
5 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
6 the correct form with complete financial attachments in compliance with 28 U.S.C. §
7 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
12 (ECF No. 1-1), but shall not file it at this time.

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14 DATED: July 10, 2019

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16 UNITED STATES MAGISTRATE JUDGE
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